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Counsel for Defendant James Gilbert Kellems

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 09-00582 MHP
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	EXCLUDING TIME UNDER 18 U.S.C. § 3161
v.)	
)	
JAMES GILBERT KELLEMS)	
)	
Defendant.)	
_____)	

Defendant's initial appearance before this Court was on June 15, 2009. At that time, at the request of the parties, the Court set the next date for change of plea or setting to June 29, 2009.

Undersigned defense counsel has requested that the matter be continued by one week to July 6, 2009 because she has a conflicting time-sensitive meeting with a client regarding another case that will make her unavailable on Monday, June 29, 2009. Further, defense counsel believes that one additional week's time will be helpful in reaching a final plea agreement in the case. Based on the aforementioned information, the government has no objection to the request.

The parties also agree that the time between June 29, 2009 and July 6, 2009 should be excluded under the Speedy Trial Act. The continuance is necessary for continuity of defense counsel and represents the reasonable time necessary for effective preparation of counsel, 18 U.S.C. § 3161(h)(7)(A) and (7)(B)(iv), and the ends of justice served by granting such a continuance outweigh the best interests of the public and the defendant in a speedy trial. 18

1 U.S.C. § 3161(h)(7)(A).

2 SO STIPULATED:

3 JOSEPH P. RUSSONIELLO
4 United States Attorney

5 DATED: June 24, 2009

6 /s/
CYNTHIA FREY
7 Assistant United States Attorney

8 DATED: June 24, 2009

9 /s/
SHAWN HALBERT
10 Assistant Federal Public Defender

11 For the reasons stated above, the Court finds that the continuance of time for the next
12 hearing before this court from June 29, 2009 to July 6, 2009 is warranted because the failure to
13 grant the requested continuance would deny the defendant continuity of counsel and effective
14 preparation of counsel; thus, the ends of justice served by the continuance outweigh the best
15 interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161 (h)(7)(A).

16 SO ORDERED.

17
18 DATED: June 26, 2009

